

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2016  
Proposal No. 203, 2016

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 2016-AO-002

PROPOSAL FOR A GENERAL ORDINANCE to amend portions of the "Revised Code of the Consolidated City and County" regarding the Flood Control Secondary Zoning District to amend the regulations regarding development within the flood control districts, to take effect immediately.

WHEREAS, the FEMA notified the mayor's office on October 19, 2015 that the Flood Insurance Study establishing the flood hazard determination is complete and issued their Letter of Final Map Determination; and

WHEREAS, the city is required to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program regulations (44 CFR 59, etc.) by April 19, 2016, the effective date of the Flood Insurance Rate Maps, in accordance with Section 1361 of the National Flood Insurance Act of 1968, as amended; and

WHEREAS, the city in close consultation with the Indiana Department of Natural Resources, Division of Water, a State Coordinating Agency designated by FEMA, drafted amendments to the flood control secondary zoning district to fulfill the required floodplain management regulations; and

WHEREAS, the City-County Council, after approval by the Metropolitan Development Commission and requisite public notice, adopted said amendments at their meeting April 11, 2016 under their emergency procedures; and

WHEREAS, the Indiana Department of Natural Resources, Division of Water, a State Coordinating Agency designated by FEMA, notified the mayor's office that the adopted floodplain ordinance was approved on April 19, 2016; and

WHEREAS, the Federal Emergency Management Agency notified city staff on April 22, 2016 that the adopted floodplain regulations were not adequate and that all jurisdictions in Marion County, Indiana were suspended from the National Flood Insurance Program; and

WHEREAS, the suspension jeopardizes over 6,000 households who depend on the city's participation in the program for flood insurance and makes Indianapolis-Marion County ineligible for federal disaster relief funds should a qualifying catastrophe occur.

WHEREAS, the city filed in U.S. District Court a motion for entry of a temporary restraining order against the FEMA to halt the suspension from the national flood insurance program; and

WHEREAS, on April 29, 2016, an agreed order was issued reinstating eligibility of the city to the NFIP and providing 30 days for the city to adopt compliant regulations in consultation with the FEMA; and

WHEREAS, city staff and FEMA staff has constructively consulted and reviewed ordinance amending language that is agreeable to both agencies; and

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and

WHEREAS, the Metropolitan Development Commission has called and duly noticed a special hearing of the Commission on May 9, 2016 in order to consider changes to the ordinance required by FEMA; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Zoning Ordinance of Marion County, Indiana, Section 742-203.E of the "Revised Code of the Consolidated City and County", pertaining to permitting within the Flood Control Secondary Zoning Districts, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

**E. Floodplain Development Permits**

1. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard. ~~The Department of Public Works' maintenance of flood works is excluded from this requirement. Ordinary maintenance and repair conducted under Department of Public Works maintenance programs is excluded, such as mowing and activities required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 of the definition of "development" in Sec. 740-202.~~
2. The Commission hereby delegates authority to the Bureau of License and Permit Services to perform all functions relating to the review of applications for issuance of floodplain development permits, in accordance with this article.
3. A floodplain development permit shall not be issued for proposed activity in Zone A or Zone AH or Zone AO until the floodway and floodway fringe district boundaries and base flood elevation are established in accordance with this Article.
4. Application for a floodplain development permit shall be made on a form provided by the Bureau of License and Permit Services. The application shall be accompanied by drawings of the site drawn to scale that depict the proposed activity in a manner adequate for the Bureau of License and Permit Services to determine compliance with this article. At a minimum, the site plan shall show: All existing and proposed structures; existing and proposed contours (if the proposed activity includes land alteration or watercourse alteration), the governing base flood elevation for the site (including the source of the base flood elevation value); all floor elevations and the proposed flood protection grade (if the proposed activity requires a specified flood protection grade under this article).
  - a. Site plans for all platted subdivisions shall also include a delineation of the existing and proposed floodway and floodway fringe boundaries; a flood protection grade denoted for each building pad and floor; volumetric calculations demonstrating compensatory storage; and, for each lot located in a flood control zoning district, a plan note identifying the flood control zoning district in which it is located and the requirements and limitations imposed under this Section 742-203 for construction on the floodplain lot.
  - b. Plans for proposed activities requiring a specified flood protection grade under this Section 742-203, which involve land or watercourse alterations, or involve flood-proofing of a structure, shall be certified by a professional engineer, professional surveyor, or professional architect as defined by this Section 742-203.
5. An application fee shall be charged for the processing of a floodplain development permit application. A fee schedule shall be developed by the Bureau of License and Permit Services for categories of proposed activities sufficient to recover the cost of processing applications.
6. A floodplain development permit shall not be issued for any proposed activity until all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

7. The Bureau of License and Permit Services shall require two NFIP elevation certificates be completed accurately and without errors by a professional engineer, professional architect or professional surveyor for each new structure, substantial addition, substantial improvement, or restoration of substantial damage located in a flood control zoning district, as required by FEMA. Performance surety shall be provided by applicant in accordance with Section 742-203.H below. The Bureau of License and Permit Services shall supply each applicant for a floodplain development permit with a blank NFIP elevation certificate during the Bureau of License and Permit Services' floodplain development permit review process. The applicant shall have a professional engineer, professional architect or professional surveyor completes the NFIP elevation certificate, showing the as-built floor elevation at flood protection grade and lowest adjacent grade to the structure, and other information required in the form. The applicant shall deliver a signed and completed NFIP elevation certificate to the Bureau of License and Permit Services within 10 calendar days after completion of construction of the lowest floor grade, and a second elevation certificate of the finished construction. ~~Inaccurate elevation certificates may be subject to an administrative fee as defined in accordance with Section 536-609.~~
8. The Bureau of License and Permit Services shall require that a flood-proofing certificate, if required by Section 742-203.D.2, be completed by a professional engineer or professional architect for each new structure, substantial addition, substantial improvement or restoration of substantial damage located in a flood control zoning district, as required by FEMA. Performance surety shall be provided by applicant in accordance with Section 742-203.H below. The bureau shall supply each applicant for a floodplain development permit with a blank flood-proofing certificate during the bureau's floodplain development permit review process. The applicant shall have a professional engineer or architect complete the flood-proofing certificate showing the as-built floor elevation at flood protection grade as provided by the flood-proofing measures constructed, and other required information on the form. The applicant shall deliver a signed and completed flood-proofing certificate to the bureau within 10 calendar days after completion of construction of the structural flood-proofing and before the bureau completes the final site inspection.
9. The division of inspections shall not perform the final inspection of construction involving a new building or addition to a building requiring an elevation certificate or flood-proofing certificate until it has received notification that a properly completed elevation certificate or flood-proofing certificate has been submitted to the Bureau of License and Permit Services. Failure to submit a properly completed elevation certificate, or flood-proofing certificate if applicable, shall result in the issuance of a stop work order on the project by the bureau, revocation of the floodplain development permit by the bureau, or both.
10. The Bureau of License and Permit Services shall make all determinations and obtain all data in accordance with FEMA standards at 44 CFR 60.3. The permit applicant is responsible for supplying data to the bureau that is required by FEMA.

SECTION 2. The Zoning Ordinance of Marion County, Indiana, Section 742-203.G of the "Revised Code of the Consolidated City and County", pertaining to new construction in the Flood Control Secondary Zoning Districts, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

**G. Construction in the Flood Control zoning districts**

All new construction and substantial improvements shall:

1. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Be constructed with materials and utility equipment resistant to flood damage below the flood protection grade;
3. Be constructed by methods and practices that minimize flood damages; and

4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
5. Be designed with the lowest floor elevation including any basement provided and maintained at or above flood protection grade of at least two feet above the base flood elevation.

SECTION 3. The Zoning Ordinance of Marion County, Indiana, Section 742-203.1.4 of the "Revised Code of the Consolidated City and County", pertaining to development standards in the Floodway (FW) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as indicated:

**4. Development standards in the FW district**

- a. **Open land use.** An open land use shall be allowed without a Floodplain Development Permit provided that the open land use does not constitute or involve any structure, obstruction, deposit, construction, excavation, or filling in a floodway in accordance with IDNR regulations. Otherwise, proposed open land uses shall require a Floodplain Development Permit in accordance with this Section 742-203.
- b. **Land and watercourse alterations.** Land alterations and watercourse alterations as defined in this article shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, downstream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment. In addition, no Floodplain Development Permit shall be issued for land alterations or watercourse alterations in a floodway unless a certificate of approval for construction in a floodway is first issued by IDNR for the proposed activity, if required pursuant to IC 14-28-1.
- c. **Prohibition of garbage, trash, and junk.** No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waste material.
- d. **Nonbuilding structures.** Nonbuilding structures shall be permitted in a Floodway only under the following conditions:
  1. The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade;
  2. The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade;
  3. The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental health or safety hazards associated with flooding up to and including the flood protection grade;
  4. The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section area perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities;
  5. The IDNR has first issued a certificate of approval of construction in a floodway, if applicable pursuant of IC 14-28-1; and
  6. The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.

- e. **Minor residential detached structure**, the total square footage being equal to or less than 400 square feet, may be erected in a Floodway with or without the lowest floor elevation at flood protection grade only if the following conditions are met.
1. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
  2. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
  3. The detached structure is no larger than 75% of the size of the existing primary residential structure;
  4. The detached structure shall never be used in total, or in part, for habitable space;
  5. All electrical wiring and any heating, cooling or other major appliances in the detached structure shall be floodproofed or elevated to or above the flood protection grade;
  6. The detached structure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water;
  7. The detached structure shall be firmly anchored to prevent flotation;
  8. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material that will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
    - i. A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed area for an engineered opening;
    - ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.
  9. The IDNR has first issued a certificate of approval of construction in a floodway; and
  10. As a condition to allowing construction of a detached residential accessory structure, the Bureau of License and Permit Services may first require the owner to record a statement, in a form approved by the bureau, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

SECTION 4. The Zoning Ordinance of Marion County, Indiana, Section 742-203.1.5 of the "Revised Code of the Consolidated City and County", pertaining to legally established nonconforming uses in the

Floodway (FW) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as indicated:

**5. Legally established nonconforming uses in the FW district**

Nothing stated in this Section 742-203.1 shall prevent ordinary maintenance and repair of legally established nonconforming uses. The cost of ordinary maintenance and repair of building or structures is not counted toward the 50% limit for determining substantial improvement, restoration of substantial damage or substantial addition.

**a. Restoration of damage in the FW district**

1. Nonsubstantial damage: A legally established nonconforming use that has been damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimension and condition provided that the damage is nonsubstantial damage and does not increase the degree of nonconformity as it pertains to flood control regulation.
2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the following conditions are satisfied:
  - i. The legally established nonconforming use is not a primary residential structure;
  - ii. If required, the applicant for the proposed restored use must first obtain a certificate of approval for construction in a floodway from IDNR;
  - iii. A restored structure must be provided with the lowest floor elevation including any basement at or above flood protection grade;
  - iv. The design of the foundation of a restored structure must be certified by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and constructed with a material that will maintain its structural integrity during and after exposure to floodwaters;
  - v. If the damage to a structure is such that the structure including the foundation is destroyed, the structure must be rebuilt upon the same area of the original foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt structure is proposed to be placed on a site less vulnerable to flood hazards as determined by the Bureau of License and Permit Services;
  - vi. The restored or rebuilt structure does not restrict or obstruct the floodway more than the damaged structure;
  - vii. The damage was not intentionally caused by the owner or occupant; and
  - viii. The restoration of the structure is begun within one year and completed within two years following the date that the damage occurred.

**b. Improvements in the FW district**

1. Nonsubstantial improvements: A legally established nonconforming use in a floodway (FW) district may undergo a one-time only nonsubstantial improvement. Such improvement shall not increase the degree of nonconformity as it pertains to flood control regulation. Subsequent improvements shall be subject to the requirements and limitations of this article applicable to substantial improvements.

2. Substantial improvements: A substantial improvement to a legally established nonconforming use in a floodway (FW) district is prohibited.

c. Additions in the FW district

1. Nonsubstantial additions: A legally established nonconforming use may undergo a one-time only nonsubstantial addition provided that:
  - i. The applicant has provided development plans and any other supporting data, as required by the Bureau of License and Permit Services, certifying that the proposed addition will not cause any increase in the base flood elevation;
  - ii. The proposed addition will not increase the degree of nonconformity as it pertains to flood control regulation; and
  - iii. A covenant indicating that "a one-time non-substantial addition to the structure has taken place and that no further additions will be allowed" shall be recorded in the office of the recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

Subsequent additions shall be subject to the requirements and limitations of this article applicable to substantial additions.

2. Substantial addition: A substantial addition to a legally established nonconforming use is prohibited.

SECTION 5. The Zoning Ordinance of Marion County, Indiana, Section 742-203.J.5.a of the "Revised Code of the Consolidated City and County", pertaining to the lowest floor elevation in the Floodway Fringe (FF) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

5. Development standards in the FF district

- a. **Flood Protection Grade required.** Except as specifically provided in this Section 742-203, no building shall be erected, reconstructed, expanded, structurally altered, converted, used, relocated, restored, or improved unless the lowest floor elevation including any basement it is provided with and maintained at a flood protection grade of at least two feet above the base flood elevation.

SECTION 6. The Zoning Ordinance of Marion County, Indiana, Section 742-203.J.5.g of the "Revised Code of the Consolidated City and County", pertaining to detached residential accessory structures in the Floodway Fringe (FF) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as indicated:

- g. **Detached residential accessory structures.** Detached residential accessory structures larger than 400 square feet in a floodway fringe district must be provided with a lowest floor elevation at flood protection grade of at least two feet above the base flood elevation. Detached residential accessory structures, the total square footage being equal to or smaller than 400 square feet may be erected in a floodway fringe district with the lowest floor elevation above or below the flood protection grade only if the following conditions are met:
  1. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
  2. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;

3. The detached structure is no larger than 75% of the size of the existing primary residential structure;
4. The detached structure shall never be used in total, or in part, for habitable space;
5. All electrical wiring and any heating, cooling or other major appliances in the detached structure are located above the flood protection grade and the detached structure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water;
6. The detached structure shall be firmly anchored to prevent flotation;
7. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material that will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
  - i. A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed area for an engineered opening;
  - ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.
8. As a condition to allowing a detached residential accessory structure, the Bureau of License and Permit Services may require the owner to record a statement, in a form approved by the bureau, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

SECTION 7. The Zoning Ordinance of Marion County, Indiana, Section 742-203.J.6 of the "Revised Code of the Consolidated City and County", pertaining to legally established nonconforming uses in the Floodway Fringe (FF) district, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored and be further amended by the deletion of the language that is stricken-through, to read as indicated:

**6. Legally established nonconforming uses**

Nothing stated in this Section 742-203.J shall prevent ordinary maintenance and repair of legally established nonconforming uses. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the 50% limit for determining a substantial improvement, restoration of substantial damage or substantial addition. Improvements, additions and restoration of damage to legally established nonconforming uses authorized under this subsection shall not be subject to Section 742-203.J.5.h. The aggregation of additions, damages, or improvements, whether presented as substantial or nonsubstantial, exceeding the 50% of market value limit shall be treated as substantial.



a. **Repetitive loss damage in the FF district**

Repetitive loss damage: A legally established nonconforming use that has sustained flood-related damages on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood even, on average, equaled or exceeded 25% of the market value of the structure before the damage occurred, may only be restored if the lowest floor elevation including any basement of the restored structure is at flood protection grade.

b. **Restoration of damage in the FF district**

1. Nonsubstantial damage: A legally established nonconforming use in a Floodway Fringe district damaged by flood, fire, explosion, act of God or the public enemy may be restored to its original dimensions and condition provided that the damage is a nonsubstantial damage as defined by this article and does not increase the degree of nonconformity as it pertains to flood control regulation.
2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the restored structure is at flood protection grade.

c. **Improvements in the FF district**

1. Nonsubstantial improvements: A legally established nonconforming use in a Floodway Fringe district may undergo a one-time only nonsubstantial improvement. Such improvement shall not increase the degree of nonconformity as it pertains to flood control regulation. Subsequent improvements shall be subject to the requirements and limitations of this Section 742-203 applicable to substantial improvements.
2. Substantial improvements: A legally established nonconforming use may undergo a substantial addition if the lowest floor elevation including any basement of the improvement addition is at flood protection grade.

d. **Additions in the FF district**

1. **Nonsubstantial addition:** A legally established nonconforming use in a Floodway Fringe district may undergo a one-time only nonsubstantial addition provided that the degree of nonconformity as it pertains to flood control regulation shall not be increased and that a covenant indicating that "a one-time non-substantial addition to the structure has taken place and that any subsequent improvements or additions shall be subject to the requirements and limitations of this article applicable to substantial additions" shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.
2. **Substantial addition:** A legally established nonconforming use may only undergo a substantial addition if the lowest floor elevation including any basement of the addition is at flood protection grade.

SECTION 8. The Zoning Ordinance of Marion County, Indiana, Section 740-202, of the "Revised Code of the Consolidated City and County", regarding definitions, hereby is amended pursuant to IC 36-7-4, by the addition of the language that is underscored to read as follows (and to be alphabetically reordered as needed):

**Section 02. Definitions.**

**Development:** For purposes of flood control regulation, any man-made change to improved or unimproved real estate including, but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or placing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar appurtenances;
4. construction of flood control structures such as levees, dikes, dams, channel improvements;
5. mining, dredging, filling, grading, paving, excavation, or drilling operations;
6. construction or reconstruction of bridges or culverts;
7. storage of equipment or materials; or
8. any other activity that changes the direction, height, or velocity of flood or surface waters.

This definition does not include maintenance of existing structures and facilities such as painting, re-roofing, resurfacing roads; or agricultural practices such as gardening, plowing; or activities that do not involve filling, grading, or excavation. This definition does not include ordinary maintenance and repair conducted under Department of Public Works maintenance programs, such as mowing and activities required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 above.

**Nonsubstantial Addition:** For purposes of flood control regulation, a structural enlargement of a structure, the cost of which is less than 50% of the market value of the structure before the start of construction.

**Nonsubstantial Damage:** For purposes of flood control regulation, damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant whereby the cost of restoring the structure to its pre-damaged condition would be less than 50% of the market value of the structure before the damage occurred. See related "Substantial Damage" and "Substantial Improvement."

**Nonsubstantial Improvement:** For purposes of flood control regulation, any structural improvement of a structure that does not consist of a structural enlargement or repair of damage, the cost of which is less than 50% of the market value of the structure before the start of construction of the improvement. This term does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure;" or
3. Ordinary maintenance and repair as defined in the Zoning Ordinance.


**Substantial Addition:** For purposes of flood control regulations, a structural enlargement of the enclosed space of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction. See related "Nonsubstantial Addition."

**Substantial Damage:** For purposes of flood control regulations, damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See related "Nonsubstantial Damage" and "Substantial Improvement."

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure;" or
3. Ordinary maintenance and repair as defined in the Zoning Ordinance.

The foregoing was passed by the City-County Council this 9<sup>th</sup> day of May, 2016, at 8:07 p.m.

Yafina S. Qubw

  
Maggie A. Lewis  
President, City-County Council

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 10<sup>th</sup> day of May, 2016.

NaTrina S. DeBow  
Clerk, City-County Council

**METROPOLITAN DEVELOPMENT COMMISSION  
OF MARION COUNTY, INDIANA**

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF MARION     )

**CERTIFICATION**

I, Lena Hackett, Secretary of the Metropolitan Development Commission of Marion County, Indiana, do hereby certify that the attached ordinance No. 2016-AO-002, amending portions of the Revised Code of the Consolidated City of Indianapolis and Marion County regarding the Flood Control Secondary Zoning District for Indianapolis-Marion County, Indiana, is a true copy of the Originals adopted by the Metropolitan Development Commission of Marion County, Indiana, following a public hearing at a meeting of said commission of May 9, 2016, and that the original of said ordinance is on file of record in the office of the Department of Metropolitan Development of Marion County, Indiana.

Witness my hand and official seal of the Metropolitan Development Commission of Marion County, Indiana this 9<sup>th</sup> day of May, 2016.

ATTEST:       s/Lena Hackett, Secretary  
                  Metropolitan Development Commission  
                  of Marion County, Indiana